

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

J.P. MORGAN SECURITIES, LLC,

Case No. 2:22-cv-11732

Plaintiff,

HONORABLE STEPHEN J. MURPHY, III

v.

LEWIS DUNCAN, III,

Defendant.

_____ /

ORDER
GRANTING MOTION TO COMPEL [29]

Because the parties stipulated to extend the Court’s temporary restraining order “until such time as a FINRA [Financial Industry Regulatory Authority] Dispute Resolution arbitration panel rules on JPMorgan’s request for permanent injunctive relief,” ECF 43, PgID 787, the Court will grant the motion to compel arbitration, ECF 29.

Under the Federal Arbitration Act (“FAA”), the Court must enforce valid arbitration agreements. *See* 9 U.S.C. § 2. “By its terms, the [FAA] leaves no place for the exercise of discretion . . . but instead mandates that [the Court] *shall* direct the parties to proceed to arbitration on issues as to which an arbitration agreement has been signed.” *Dean Witter Reynolds, Inc. v. Byrd*, 470 U.S. 213, 218 (1985) (emphasis in original) (citing 9 U.S.C. §§ 3–4). A defendant may invoke arbitration by (1) requesting a stay of the proceedings under § 3 while “any issue referable to arbitration under [the] agreement” is arbitrated, or (2) moving under § 4 for an “order

directing that such arbitration proceed in the manner provided for in [the arbitration] agreement.” *Boykin v. Fam. Dollar Stores of Mich., LLC*, 3 F.4th 832, 836–37 (6th Cir. 2021).

The parties explained that they will arbitrate their dispute and the permanent injunctive request before FINRA. ECF 43, PgID 787. Because the Court has granted all the preliminary injunctive relief that Plaintiff sought in the complaint, *see* ECF 1, PgID 32–34, the Court will order the parties to arbitrate, stay the case pending arbitration, and order the Clerk of the Court to administratively close the case. The parties may move to reopen the case to modify the temporary restraining order or enforce any alleged breaches of the temporary restraining order.

WHEREFORE, it is hereby **ORDERED** that the motion to compel arbitration [29] is **GRANTED**.

IT IS FURTHER ORDERED that the case is **STAYED** pending arbitration. Either party may move to **REOPEN** the case to modify or vacate the Court’s temporary restraining order or to enforce any alleged breaches of the Court’s temporary restraining order.

IT IS FURTHER ORDERED that the Clerk of the Court must **ADMINISTRATIVELY CLOSE** the case.

IT IS FURTHER ORDERED that the preliminary injunction hearing on August 24, 2022 is **CANCELLED**.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: August 23, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 23, 2022, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager